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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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FSM1/0528

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O'NEILL, EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

05/28/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reissue oath or declaration filed with this application is defective because it fails to describe the actual error(s) in the patent, i.e., it fails to particularly specify the "defects" in the specification or drawings, 37 CFR 1.175(a)(2); and/or it fails to distinctly specify the "excess or insufficiency" in the claims, 37 CFR 1.175(a)(3). [1]

The statements the Applicant makes in regards to this instant reissue application satisfy the requirements of sec. 1.175(a)(1), however are too general to satisfy the distinctness requirement of sec. 1.175(a)(3) and the particularity requirements of sec. 1.175(a)(5). The Applicant is proposing major changes to the claims in this reissue application and he is required to satisfy every applicable section of 1.175(a) for each change he wishes to make. For instance, the Applicant is broadening the scope of claims 1, 17, 21, 23, 35, 42, 43, 44, 45 and 46, and he needs for each claim separately state the excessiveness distinctly and particularly specify the errors and how they arose or occurred. The Applicant is also: changing the scope and dependence of claim 15; changing a "the" to an --a-- in claim 18; and adding new dependent claims 47-62. Again for each change the Applicant must comply with the requirements of subsections (a) (3) and (a) (5). The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors and/or how the errors relied upon arose or occurred as required under 37 CFR 1.175(a)(5). Included are inadvertent errors in

conduct, i.e., actions taken by the applicant, the attorney or others, before the original patent issued, which are alleged to be the cause of the actual errors in the patent. This includes how and when the errors in conduct arose or occurred, as well as how and when these errors were discovered. Applicant's attention is directed to *Hewlett-Packard v. Bausch & Lomb*, 11 USPQ2d 1750, 1758 (Fed. Cir. 1989). See *supra* for how the declaration fails in complying with subsection (a) (5).

In sum, the Applicant needs to be meticulous.

This reissue application was filed without an offer to surrender the original patent or, if the original is lost or inaccessible, an affidavit or declaration to that effect which is required. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before the reissue application can be allowed. See 37 C.F.R. § 1.178.

Claims 1 through 62 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

Claims 23 through 45 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, the limitations of '(e) means to pictorially represent images' and '(h) means to activate each display position'

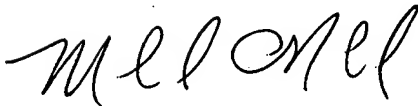
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lack a structural cooperative relationship to the other limitations. Likewise, in claim 44, the limitation of '(b) means for generating 2N operating codes' lacks a cooperative relationship.

Claims 1 through 62 are not rejected under art.

Any inquiry concerning this communication should be directed to Examiner Michael O'Neill at telephone number (703) 308-2656.



M. O'Neill:lf
May 24, 1996



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